

USSN: 09/910,628
Attorney Docket No: 3060.00021

VERSION SHOWING MARKED CHANGES

IN THE CLAIMS:

1-42. Canceled.

43. (Currently Amended) A pharmaceutical screening apparatus for screening pharmacological agents for agents that impact a biological tissue, said screen comprising:

an evanescent sensing device;

at least one sensor having affixed to its surface molecules of a first type, which have affinity for molecules of a biological receptor; and

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a molecular tag bound such that when the molecule of the first type and the molecules of the biological receptor bind together wherein said molecular tag is bound to said sensor wherein the binding between molecules of the first type and molecules of biological receptor cause the tag to produce an alteration in signal recorded by said evanescent sensing device, ~~said tag also being bound to molecules of a second type, said molecules of second type having affinity for said receptor molecules.~~

44. (Previously Added) The apparatus according to claim 43, wherein said molecules of the second type are antibodies to said receptor.

45. (Previously Added) The apparatus according to claim 44, wherein said apparatus also includes a sample of tumor tissue.

46. (Previously Added) A method for screening pharmacological agents to determine agents which induce regression of a cancer by;

contacting extract from a tumor tissue biopsy with a molecular tag, thereby causing the tag to bind to receptor molecules present in the tumor tissue biopsy;

flowing the tag sample extract through a sensor according to claim 43 and recording the time course of signal observed by an evanescent sensing device;

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introducing pharmacological agents to be assessed into the tag sample extract;

flowing said tag sample extract through the sensor again and recording the time course of signal observed by the evanescent sensing device; and

using the data to evaluate the impact of the pharmacological agent on the rate of transcription of gene products.

47. (Previously Presented) A pharmaceutical screen for screening pharmacological agents for agents that impact a biological tissue, said screen comprising:

an evanescent sensing device;

at least one sensor having affixed to its surface molecules of a first type, which have affinity for molecules of a biological receptor; and

a molecular tag which produces an alteration in signal recorded by said evanescent sensing device upon the binding between molecules of the first type and molecules of biological receptor, said tag also being associated with molecules of the first type.

48. (Previously Added) The apparatus according to claim 44, wherein said apparatus also includes a sample of tumor tissue.

49. (Previously Added) A method for screening pharmacological agents to determine agents which induce regression of a cancer by;

flowing an extract of tumor tissue through a sensor according to claim 47 and recording the time course of signal observed by an evanescent sensing device;

introducing pharmacological agents to be assessed into the sample extract;

flowing said sample extract through the sensor again and recording the time course of signal observed by the evanescent sensing device; and

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using the data to evaluate the impact of the pharmacological agent on the
rate of transcription of gene products.

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REMARKS

Claims 43-49 remain in the application. Claims 43, 46, 47, and 49 are in independent form.

Claim 43-45 and 48 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Office Action states that 43 is vague and confusing because the preamble of the claim recites a pharmaceutical screen, but it is not clear if Applicants are intending to claim an apparatus or a method. The claim has been amended to recite a pharmaceutical screening apparatus, thus clarifying that an apparatus is being claimed. Further the Office Action states that with regard to the molecular tag is unclear as to how the tag functions. The claim 43 has been amended to recite that the molecular tag is bound such that when the molecules of the first of first type and the molecules of the biological receptor bind together the tag produces an alteration in the signal. Thus, the tag is only affected by the binding of the molecules of the first type and the molecules of the biological receptor. Reconsideration of the rejection is respectfully requested.

The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above. The prior art references do not disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

In view of the present amendment and foregoing remarks, reconsideration of the rejections and advancement of the case to issue are respectfully requested.

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The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

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CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile Examiner Chin of the U.S. Patent and Trademark Office at 703.308.4242 on September 17, 2003.


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